

*John Lyde* Plaintiff, } } *Thomas Rodd* Gent. Attorney of  
the *Queens-Bench* Defendant.

## The Defendants C A S E.

Bill Affiled in  
the *Queens-  
Bench*, Trin.  
8 *Anne* Regine.  
Bill Affiled in  
*Chan'* 17 Feb.  
1704.

**T**H E Plaintiff Affiled a Bill in the *Queens-Bench* against the Defendant in *Termino Trin.* 8<sup>o</sup>. *Anne* Regine, For that the Defendant 17 Feb. 1704. exhibited a Bill in *Chancery* at *Westminster* in the County of *Middlesex* ( without the Plaintiff's Consent ) in the name of the Plaintiff and one *Walter Rodd* as Plaintiffs, against one *Hugh Rodd* and *Anne* his Wife; which Bill was afterwards dismissed with Costs, but no Costs Taxed, nor any Procefs against Plaintiff *Lyde*.

Verdict pro  
*Quer'* 20. Au-  
gusti 8. *Anne*  
Regine.  
Stat' that  
gives full Costs  
commences 1<sup>st</sup>  
of Trin. Term,  
5 *Anne* Regine.

**T**H A T altho' all the Facts in the Declaration are alledged to be done at *Westminster* in the County of *Middlesex*, as the truth was, and therefore by Law only Triable there; yet the Plaintiff brought this Action to Tryal in the County of *Hereford* where his Interest lay, And by means thereof, Notwithstanding the Defendant did prove the Plaintiff's Consent, for want of an Authority under his Hand, the Plaintiff recovered a Verdict against this Defendant for 28 *l*. Damages besides Costs, notwithstanding the Bill in *Chancery* was Affiled several years before the Statute that directs full Costs: So that all the Plaintiff could have suffer'd was the common Costs of 23 *s*. 4 *d*.

Judgment Ar-  
rested Term'  
*Mich'* 8 *Anne*  
Regine.

**T**H A T the Court of *Queens-Bench*, on two several Arguments, and mature Deliberation, unanimously Arrested the Plaintiff's Judgment, the Tryal had being in a wrong County.

**W**H E R E F O R E, and for that the Plaintiff might at first have had Justice done him by an Action in the proper County, And since the said Judgment was Arrested, might have Tried a new Action there, at a far less Expence than by this way of proceeding, 'tis humbly hoped this Honourable House will affirm the Judgment of the *Queens-Bench*, with good Costs to this Defendant for Obstinacy herein.

*Edw. Northey.*